EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Single Market for goods
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EXPERT GROUP ON TOY SAFETY

SUBGROUP "CHEMICALS"

Document number:	ENTR/TOYS/EXP/WG/2013/048 rev3
Date:	26/3/2014

Approved report

SUBJECT: Approved report of the Expert Group - Subgroup "Chemicals" meeting on 28 November 2013

SUMMARY:

ACTION: To take note.

Chair: DG Enterprise and Industry, Unit C.1.

Participants:

ANEC, AT, BE, CZ, DE, DK, FR, IT, NL, NO, RO, SE, UK, TIE

1 OPENING OF THE MEETING

COM welcomed participants and informed them about organisational aspects of this meeting. COM asked whether the participant from Belgium could formally become a member of the Subgroup, which was agreeable to the group.

TIE commented that circulating documents 10 days in advance of the meeting was not sufficient for participants to prepare and consult. TIE suggested establishing a rule on the latest date before a meeting when documents should be circulated. COM reminded that all participants, including COM, do their best and reminded all to send documents as early as possible.

BE suggested to hold future meetings in a room with internet access, to enable participants to consult documents on Circa BC.

Agreement: BE is from now on a member of the Subgroup "Chemicals".

Actions:
- ALL to seek providing documents more than 10 days in advance of a Subgroup meeting.
- COM to always seek a meeting room with internet access.

1.1 Approval of the draft agenda - EXP-WG-2013-032

DK recalled its request in the Expert Group meeting of 11 October 2013 for a Commission clarification on CEN's work item concerning exclusion of hard polymers from migration limits. DK took the view that COM had undertaken to address this issue at the next subgroup meeting. COM recalled that the Chair had concluded that this issue would be discussed at the next Expert Group meeting. - TIE added that the CEN task group for this work item met last week; no decision had been taken to amend the standard, but the issue was being examined with a view to assembling a scientific rationale; a decision would be made on that basis and needed a scientific base. - ANEC commented that the chemicals subgroup should follow the CEN work and suggested adding the item on the agenda of the next chemicals subgroup meeting. The Chair concluded that the chemicals Subgroup should follow the technical aspects and to this end, the issue would be added to the agenda for the next chemicals subgroup meeting. Also the Expert Group should continue to follow up, but to a lesser extent on the technical aspects.

Agreement: The draft agenda was approved.

Action: COM to place "Hard polymers – update on the related CEN work" on the agenda of the next Subgroup meeting.

1.2 Approval of the draft report of the previous meeting - EXP-WG-2013-029

BE supported TIE's written suggestion to delete the reference to Part 9 from the agreement reported under agenda item 2.2.

Following a comment from NO, a sentence was deleted under agenda item 2.4.

References to UK and NL were deleted from the wording suggested by TIE regarding false positive detection in the context of polymers.

Agreement: With those changes, the meeting approved the report of the meeting of 26 June 2013.

2 DISCUSSION ITEMS

2.1 Information from the Commission

Bisphenol A

COM recalled that the Toy Safety Committee meeting of 11 October 2013 had not reached a quorum and that a draft would be presented for vote at the next meeting, tentatively scheduled for 18 February 2014. DK asked whether the draft would take the form of a Regulation or a Directive; COM informed that internal consultations on this matter were still ongoing.

BE referred to the ongoing PRAC exercise which will have an impact in the future on the currently used comitology procedure.

TCEP/TCPP/TDCP

COM informed that it had addressed issues raised in the Toy Safety Committee and that, for the same reasons as for the draft on bisphenol A, a draft would be presented for vote at the next meeting, tentatively scheduled for 18 February 2014.

Lead

COM informed that comments had been received from two Member States. One member of the Toy Safety Committee announced that it would also send comments.

TIE mentioned that, as a follow-up to the last Expert Group meeting, TIE had copied its detailed questions addressed to DE regarding DE's national limit values for five elements to COM, asking that they be circulated via Circa BC.

Action: COM to circulate TIE's queries to DE regarding DE's national limit values for five elements via Circa BC.

Kathone

COM informed that under the Cosmetics Regulation, COM was proposing a maximum of 15 mg/kg of kathone in rinse-off cosmetic products and a ban in leave-on cosmetic products, in accordance with the opinion of the Scientific Committee on Consumer

Safety (SCCS) of 8 December 2009. This would replace the current restriction of 15 mg/kg in any cosmetic product.

ANEC commented that this reinforced the opinion of the Scientific Committee on Health and Environmental Risks (SCHER) of 29 May 2007 that kathone should not be used in toys. COM pointed out that under the respective product regimes (cosmetics, toys) the chain of argumentation regarding safety was different. ANEC recalled the earlier agreement in the subgroup to restrict kathone and asked in which timeframe COM would make a proposal; COM declined to commit to specific timing for a COM proposal, but took due note of AT's pleas to go ahead.

DK recalled that the subgroup had discussed whether kathone was used in toys other than finger paints; pending this question, kathone had not been taken forward. DK referred to a Danish study concerning the use of preservatives in hobby paints, finger paints, glass and window paints, slime and glue sticks. Information from distributors, suppliers and manufacturers showed that kathone is used in hobby paint, finger paint, window/glass paint and in glue sticks. In slime a mixture of isothiazolinones were used. DK hoped the study report become available still before Christmas 2013 and undertook to transmit the report subsequently.

FR recalled that kathone was a mixture of two compounds and asked how one should go about banning them; ANEC proposed to discuss this on the basis of an actual COM proposal.

Action: DK to transmit the imminent study report on preservatives in toys as soon as available.

Court ruling on REACH cadmium restriction

COM briefly presented the ruling.

Action: COM to circulate the reference to the relevant Court website to the Subgroup..

PAHs

UK was very critical about the fact that a restriction on a chemical in toys had been elaborated and voted under REACH, where no specific expertise was available on children's exposure. UK recalled that the Toy Safety Directive (TSD) provided ample possibilities to restrict chemicals in toys and urged to rely on the TSD as the primary legislation for toy-related restrictions of chemicals. BE recalled that the PAH restriction had a much broader scope than toys; UK pointed out that nevertheless the restriction provided for a specific limit value for toys and childcare articles.

BE recalled that the definition of "childcare articles" might not necessarily be the same for the PAH restriction as for the phthalates restriction (both under REACH). DK recalled that COM had undertaken to address this in guidance.

COM reminded the Subgroup of the limited empowerment (to COM) for restricting chemicals in Appendix C of the TSD: restrictions were only possible for toys intended for children under 3 or other toys intended to be put in the mouth. COM referred to the

recent Workshop on REACH and Related Legislation, where the interface REACH-TSD had been discussed and food for future thought had come up.

NL reported about a case of rubber tiles for playgrounds in NL where extreme concentrations of PAH had been found (up to 2500 mg/kg). The NL National Institute for Public Health and the Environment (RIVM) was currently undertaking a risk assessment, in which exposure time took a predominant role. NL would share information with the Subgroup when available. On a query from BE NL considered that measures might be taken under the general product safety legislation.

Action: NL to share further information about PAH in rubber tiles for playgrounds in NL when available.

2.2 Information from CEN TC 52 WG 5 – Progress on chromium-VI testing

DE (also the Chair of CEN TC 52 WG 5) reported on progress towards an amendment of EN 71-3 regarding chromium-VI (Cr-VI) testing. Two principal measuring methods were under consideration, one based on IC-ICP-MS (ion chromatography with ensuing inductively coupled plasma-mass spectrometry), with instruments from a small manufacturer of instruments supplied to test laboratories, the other based on LC-MS (liquid chromatography coupled to mass spectrometry), where Cr-III and Cr-VI were however not too well separated. Test results with real samples would still have to be examined, taking account also of the bidirectional conversion between Cr-III and Cr-VI. FR added that the results so far were based on the analysis of bubble soap liquid, which was a quite clean and easy matrix, finger paints would be much more demanding. – NL reported about a very specific method to determine Cr-VI, which was however not suited for routine analyses.

COM informed about a recent audio-meeting of the SCHER Working Group considering the Cr-VI cancer effects in view of limit-setting: A TDI can be derived for the non-cancer endpoints, which were already well-covered by the current Cr-VI limit in the TSD. For the cancer endpoint, a virtual safe dose was to be derived since Cr-VI was a genotoxic carcinogen.

COM informed that the opinion should be ready for adoption by SCHER in spring 2014, and that a subsequent public consultation was intended. COM undertook to keep the Subgroup updated in order that members could participate in the public consultation.

Action: COM to inform the Subgroup about SCHER's opinion on Cr-VI in toys, and about the modalities of the public consultation foreseen.

2.3 Non-threshold CMRs - EXP-WG-2013-033 rev1, 045, 034

COM drew the attention to the updated information circulated by NO the day before the meeting. NL had checked the REACH registration status of the non-threshold CMRs and this was reflected in the table (EXP-WG-2013-033-rev1): most of them are registered, some are pre-registered. UK informed that it had looked up the non-threshold CMRs in

EN 71-9, -10 and -11 and summarised the applicable restrictions (including which limits were applicable to which toys or toy materials) in EXP-WG-2013-045.

The Subgroup first examined aniline and o-anisidine. NO observed that on the one hand Appendix C of the TSD did not refer to toy materials, and that on the other hand the UK document rightly referred to testing in some materials/categories of toys. DK believed that it was a good idea to mention toy materials and asked if REACH did not cover the substances in leather and textiles through the azodyes restriction. DE observed that referring to materials rather than categories of toys would avoid problems related to thin layers, such as prints.

TIE recalled the background to EN 71-9 and pointed out that it was by no means sure that aniline were found in toy materials. It appeared unproductive to list in Appendix C substances that were not used in toys anyway. TIE called for in-depth work on this matter to be undertaken into available information; e.g. for aniline, the EU Risk Assessment Report (EU RAR) under Regulation (EEC) No 793/93 stated that no information was available on the use of aniline in consumer products. For nitrotoluene TIE had found that there was "no reason to believe it appears in consumer products." TIE urged participants to express themselves on the process they wanted to undertake in this context.

BE stated that it was common knowledge that aniline was found in textiles and leather (as indicated in the paper under discussion). Besides TCEP was also said no longer to be used in toys, and a proposal for restriction was also made. TIE argued that aniline itself was not present as a substance, but only as the result of a degradation of azo dyes upon prolonged skin contact. Since it was not used as such, why should it be restricted?

UK noted that there was legislation, e.g. on cosmetics, with long lists of banned substances which are never used anyway; it would be regrettable for the TSD to take the same direction. EN 71-9 was a better basis as no other information was available, and it was recognised that industry used EN 71-9 which could be a reason why these substances were not found in toys. Nevertheless substances should not be included just for the sake of including substances. TIE recalled that the data at the basis of EN 71-9 was from 1996 and needed to be updated and reassessed.

NO did not believe that an approach based on "is used" was appropriate, but preferred a "can be used" approach, since one would indeed not find restricted substances if industry conformed to EN 71-9, -10 and -11.

NO wondered whether traces of aniline had been found in polyurethane (PU) or rubber. AT pointed out that aniline had been found as a substance in toys (see EXP-WG-2013-026). UK suggested considering at least the first two toy categories (Toys with a mass <150 g to be played by children under 3 years of age, Toys and accessible components intended to be mouthed under 3 years of age) concerning aniline in EXP-WG-2013-045 for inclusion into Appendix C, and possibly including all materials. TIE referred to the risk that this might create a demand for testing of the substance in all materials; the need for testing could in theory be disproven through a safety assessment but in reality customers, often large retailers, demanded certificates about all-encompassing testing and were not satisfied with safety assessments; this was confirmed by FR.

In reply to a question from COM, AT confirmed that the German UBA (Umweltbundesamt, Federal Office of Environment) had lists of substances specifying whether they had been found in toys. AT agreed to retrieve these lists and share them

with the Subgroup. However, at a later point in the meeting, AT found that the UBA lists did not specify in which toys the substances were found.

The Subgroup agreed to discuss acrylamide later, as it was a monomer. Pentachlorophenol (PCP) had been identified in a previous meeting as not being a priority and would therefore also be discussed later. For trichloroethylene, TIE recalled that the EU RAR had found its only use to be in dry spot cleaning until the early 2000s. AT undertook to check trichloroethylene in the aforementioned UBA list.

Concerning formaldehyde, UK recalled that there were limit values in cosmetics legislation and the like.

COM recalled that SCHER had criticised, in its opinions of 29 May 2007 and 18 May 2010, the use of water as an extraction medium. UK cautioned against simply following SCHER on this point since the extraction capacities of water had been tested and found to provide easily reproducible results. DE pointed out that water had mostly given similar results as artificial saliva. The latter would however interfere with the analysis due to its content of salts, and removal of those was costly. FR believed that the SCHER criticism was not scientifically justified.

COM further referred to the SCHER criticism, in its above-mentioned opinions, about the missing scientific-toxicological rationale for the limit values in EN 71-10 and -11. DK considered however that the Subgroup's discussion referred to non-threshold carcinogens, which should not be present in toys according to both SCHER opinions when using suitably sensitive chemical-analytical methods for their determination.

Following a brief discussion the Subgroup agreed that the Limit of Quantitation (LOQ) represented the limit value(s) in EN 71-10 and -11.

COM asked the Subgroup to return to aniline in order to progress towards a possible limit value. In response to a question from participants, COM took the view that at first sight there seemed to be nothing in the TSD that excluded Appendix C from specifying toy materials, but that this issue would need a more in-depth legal examination. DK pointed out that the draft for the inclusion of bisphenol A in Appendix C did not specify any toy material. After discussion, it was concluded to use the LOQ of 5 mg/kg migration as the action limit for aniline, based on EN 71-10 and 11.

BE asked if the LOQ was appropriate or if rather the LOD (limit of detection) should be used, as done for TCEP. UK did not think that an approach taken in one case in the past should necessarily be continued in all future cases.

BE proposed specifying leather as the toy material to which the aniline limit would apply. NO preferred not specifying materials in which a chemical could be present, but rather specifying materials in which the chemical would be absent. BE reported that the British Toy and Hobby Association (BTHA) might have information on actual (non-) use of chemicals in toys, based on their "Toyograph" tool; TIE undertook to ask them for their findings. BE suggested also consulting the Hong Kong Toy Council, to which TIE agreed if the query to BTHA would not provide the necessary answers. Depending on the outcome COM could in addition try to collect information.

UK raised the issue of the area of the testing discs (10 cm^2) which should perhaps be added in a recital, using the background document on phthalates[1].

Agreements:
- Acrylamide to be discussed within an 'in principle' discussion on monomers.
- PCP to be discussed later, since not a priority.
- The Limit of Quantitation (LOQ) represents the limit value(s) in EN 71-9, -10 and -11.
- Recommended limit value for aniline in toys: 5 mg/kg (LOQ).

Actions:
- AT to check whether trichloroethylene is listed in the UBA list.
- TIE to ask the British Toy and Hobby Association (BTHA): Which chemicals / aniline are (not) in toys? Depending on the outcome TIE could approach the Hong Kong Toy Council. Eventually COM could try.

2.4 Formaldehyde - EXP-WG-2013-035, 036, 037

COM informed participants that the reclassification of formaldehyde to a category 1B carcinogen had been proposed by COM under Regulation (EC) 1272/2008 (CLP) and was foreseen for voting in the REACH Committee by 4 December 2013.

TIE called attention to the fact that formaldehyde could be naturally present in wood up to 10 mg/kg and that also traces were naturally present in human blood; this should be taken into account when setting limits. FR confirmed that formaldehyde occurred naturally in wood and that it was therefore important to be careful when setting a limit. NL pointed out that this was not a problem in practice, as no presence had been found beyond the limit of 80 mg/kg for wooden toys.

AT referred to a report being prepared confirming that the formaldehyde present in about 50 samples complied with both EN 71-9 and EN 717-3, the concentrations being all far below 80 mg/kg. The same report also examined the presence of elements such as barium which had all been found to be well below the TSD limits.

DE observed that the flask method for formaldehyde was being used and that a report of the BfR (Bundesinstitut für Risikobewertung, Federal Institute for Risk Assessment) had identified the need to look into a confirmatory method so as to avoid false-positive results, because sample conditioning influenced the results. AT suggested using the flask method for screening purposes, but not to use it for regulatory action in the light of the known false-positives issue. The flask method was appropriate for screening as it could be carried out in all laboratories; the chamber method was more expensive and not available in all laboratories.

Meeting participants expressed disappointment regarding the information that CEN had provided in response to the Subgroup's request, since it did not seem to provide the

[1] Könemann WH (ed.) (1998) Phthalate release from soft PVC baby toys. Report from the Dutch Consensus Group. RIVM report 613320 002. Septembre 1998.

answers they had been aiming for. COM undertook to ask CEN again and proposed continuing the discussion at the next meeting on that basis.

BE pointed out what is known about the LOQ and the LOD from data from two Member States and wondered which other information would be needed for an Appendix C inclusion, adding that the requested CEN information would provide neither LOQ nor LOD.

UK recalled that the carcinogenicity endpoint related to vaporised formaldehyde; for this the flask method was used. As a preservative, formaldehyde would not show a carcinogenic effect. In UK's view carcinogenicity was not the real issue, but sensitisation. The limit value in EN 71-9 applied to free formaldehyde, and methods should be able to analyse (manufactured) wood, textiles and paper.

COM invited BE and UK to look into analytical methods for formaldehyde, and NL to check LOQs with their labs.

ANEC considered that there might be other exposure routes but inhalation, which should also be addressed, and that it might be sufficient to change EN 71-9 for inhalation.

TIE saw a need to identify the toy materials that should be tested for formaldehyde, a validated test method and the LOQ in order to propose a meaningful limit value. TIE suggested focusing on inhalation, similar to the approach followed for formamide, since the carcinogenicity endpoint related to that exposure route. For inhalation exposure, perhaps textiles should not be covered, so the material should be reconsidered. TIE thought that there was indeed a need to go back to CEN for the background on EN 71-9.

The Chair suggested continuing this discussion at the next meeting.

Actions:
- COM to ask CEN again for information on formaldehyde required by the Subgroup.
- BE and UK to look into analytical methods for formaldehyde.
- NL to check formaldehyde LOQs with their labs.

2.5 Formamide – EXP-WG-2013-046, 047

TIE referred to the proposal it had prepared as agreed at the last subgroup meeting.

FR pointed out that the method with one chamber needs 28 days, that is to say a piece of equipment used for 12 sample a year, without taking into account maintenance or breakdowns, this is not workable for market surveillance authority nor for manufacturers. The content method will be kept for screening, and possibly select samples for further testing. The current data from tests show a strong decrease in amounts of formamide, this could result from modification of the processes and/or materials; some samples are even found without formamide. FR suggesed to send a document about the results and the reasons to justify the decay of the formamide.

ANEC wondered why a test period of 7 days, as proposed before, was not possible, and whether it was possible to withdraw products from the market based on screening.

BE recalled that ANSES had not been able to justify the test duration of 7 days and recalled that amendments under the TSD had to be science-based but should not rely on screening. BE had no problem with the test conditions since authorities could screen for formamide in a much shorter time and then ask manufacturers for proof of conformity if the screening yielded suspicions of non-conformity. If manufacturers were not able to provide such proof, authorities could act. BEinformed, following doubts expressed by NL and ANEC, that this was common practice; NO confirmed.

FR replied that 7 days was a proposal from the outsourced agency chosen for the test to limit the period of testing, taking into account the data and the quick decrease of formamide. and pointed out that, in France, after the ban, these mats were no longer available in the shops, but as they were not only toys but mats, parents turned to gym mats made of the same materials, or even rubber tilles which had been addressed earlier about PAHs to make a safe area against children falling.

The Chair asked if participants could agree to the proposal prepared by TIE.

BE asked COM to make a condensed paper of the agreed limit and conditions for formamide and present the latter in the next Expert meeting. COM could not commit themselves to insert it in the agenda of the next Expert meeting and wanted to consult hierarchy first.

UK agreed to Note 2 as rewritten and suggested reformulating the scope so as not to refer not only to “a children’s room”. After some discussion, participants preferred the wording “greater than 0.5 m² and intended to be kept indoors” and deleting the last sentence. Also, the wording “overall accessible to air surface greater than 0.5 m²” should essentially mean “overall surface, which is accessible to air, greater than 0.5 m²”.

On a query from FR, UK clarified that the sample size had been taken into account as much as possible in the test conditions (e.g., will 1 play mat or 4 play mats be used in the room?).

COM asked if participants agreed that a text proposal should be drafted on this basis; participants confirmed that the wording reflected their opinion. COM undertook to prepare a text proposal, without committing to a specific timing or to the procedure to be followed.

Concerning TIE's proposal for guidance explaining under which circumstances to test toys for formamide, participants discussed and agreed that changes should be included. TIE undertook to prepare an update and circulate it asking for feedback.

Agreements:

- Scope: " … greater than 0.5 m² and intended to be kept indoors” and deleting the last sentence.
- “… overall accessible to air surface greater than 0.5 m²” should essentially mean “… overall surface, which is accessible to air, greater than 0.5 m²”.
- COM should draft a working paper for the Expert Group regarding inclusion of the proposed formamide limit value into Appendix C of the TSD, tested according to the method agreed.

Actions:

- FR to send information on the formamide, taking into account the results obtained since the start of the French regulation and the reasons for a screening method.
- COM to draft a proposal for inclusion of a formamide limit value into Appendix C of the TSD, tested according to the method agreed.
- TIE to prepare an update of the proposed guidance on when to test for formamide, and circulate it to the Subgroup.
- Subgroup members to comment on the updated guidance on when to test for formamide.

2.6 Phenol - EXP-WG-2013-031, 037, 038

ANEC explained its written comments concerning the derivation of the proposed limit value for phenol; it would miss consistency with regard to bodyweight of the child (10 kg instead of 7.5 kg) used for the derivation of the TSD limit values for elements. Upon opposing remarks by TIE, who had previously provided an own exposure assessment for the derivation, ANEC said that the TIE RA of phenol (EXP-WG-2013-025) was fundamentally flawed and contrary to the basically correct assessment made by CEN for phenol as monomer in the development of EN 71-9 (notwithstanding the TDI used at that time and the used body mass of the child of 10 kg). ANEC continued to explan that one major reason for the wrong TIE exposure assessment is a misinterpretation of the meaning of the concentration limit in the migration solution assuming that the child is exposed just to a fraction of this solution (20 ml). However, the amount of a substance contained in 100 ml water represents the daily intake of a child.

NO considered TIE's exposure assessment as not acceptable, including because it started from the NOAEL but not the DNEL.

DK recalled the considerable difference between a risk assessment for a particular toy (is it safe or not?) and the setting of limit values for the purpose of legislation, which need to protect all individuals in a population. DE suggested to stick to the agreement made and use a bodyweight of 7.5 kg in the future, as NO also suggested. DK concurred. – Upon a query from COM, UK explained that the 100 ml of water for extraction used in EN 71-10 simulated the amount of saliva excreted by a child sucking a toy for 3 hours (which was a worst-case assumption). - COM concluded that the Subgroup stuck to their agreement of the preceding meeting: 5 mg/l as the proposed limit value for phenol as a monomer in toys, determined according to EN 71-10 and -11.

ANEC reminded that phenol was not only used as a monomer in plastic toys, but also as a preservative in liquid toys, and a limit should also be set for the latter. The idea behind EN 71-9 had been an action limit (= exclusion of the use of phenol). DK also suggested an action limit also for preservative use, that limit being the LOQ. AT suggested using a content limit only, not a content limit and a migration limit. UK suggested using the TDI for the derivation of the limit, that derivation having to be consistent with the approach used for elements in the TSD resp. the RIVM report[2]. Upon invitation from COM, NO

[2] National Institute for Public Health and the Environment (RIVM), Chemicals in Toys - A general methodology for assessment of chemical safety of toys with a focus on elements. RIVM report 320003001/2008. http://www.rivm.nl/bibliotheek/rapporten/320003001.pdf .

undertook to calculate a proposal for a limit value for phenol as a preservative in liquid toys.

Agreement: The Subgroup sticks to their agreement of the preceding meeting: 5 mg/l as the proposed limit value for phenol as a monomer in toys, determined according to EN 71-10 and -11.

Actions:
- NO to calculate a proposal for a limit value for phenol as a preservative in liquid toys using the TDI of 0.5 mg/kg bw/day and the RIVM calculation method used for elements.
- NO to draft some considerations on the amount of liquid toy material ingested.

2.7 Biocides in toys

Shortly before the Subgroup meeting, SE had suggested addressing this issue in the next Expert Group meeting. COM confirmed that the Biocidal Products Regulation excluded toys from its scope. NO asked if this meant that biocides could simply be used in toys. TIE pointed out that the TSD required a safety assessment to be performed, limit values on CMRs to be complied with, etc. Under the TSD, it was the manufacturer's responsibility to ensure that a toy was safe, so the safety viewpoint prevailed. SE pointed out that in Sweden it was possible to buy toy tents or teddy bears with biocides (insect repellents) in them, unbeknown to the consumer. TIE took the view that the presence of, e.g. mosquito repellents, in toys would be advertised as a marketing argument, so consumers would not be uninformed.

2.8 Testing of chemicals in toy materials - EXP-WG-2013-039, 040, 041, 042, 043, 044

COM clarified that this agenda point had found its origin in the discussions on bisphenol A and TCEP/TCPP/TDCP in the preceding Subgroup meeting, where TIE had pointed out that it would be useful to provide indications for testing according to the toy materials – for example, there was no sense in testing iron for the presence of bisphenol A. Such guidance should cover all substances to be included in Appendix C and should preferably be elaborated by the Subgroup.

TIE observed that this guidance would be a huge task, but that it was useful to make a start somewhere. TIE suggested avoiding the term "testing" as the TSD required an assessment of the presence of substances in toy materials, but did not require testing as such. A more suitable title might be "Assessment of the likelihood of the presence of chemicals in toys". TIE also suggested not elaborating a separate guidance document, but incorporating it in the Toy Safety Directive's Explanatory Guidance Document, under the section related to the relevant article or appendix of the TSD. COM suggested working on the basis of a separate *working document* for the purposes of drafting and discussing; its content could subsequently, in a kind of "building block" approach, be inserted into the appropriate section(s) of the existing guidance document.

3 ANY OTHER BUSINESS

There was no other business.

4 CLOSING OF THE MEETING

After some discussion, the Chair indicated that the next meeting of the Subgroup would be tentatively organised towards the end of March 2014, depending on availability of meeting rooms and taking into account any possibly conflicting meetings (such as the CEN TC 52 meeting being organised the first week of April 2014).

The Chair thanked participants and closed the meeting.